

*\* EMERGENCY Action is Requested*

**FILED**

**PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

Name **BALBO JOHN MICHAEL**  
(Last) (First) (Initial) JAN 11 2008

Prisoner Number **D-65407** RICHARD W. WIEKING

Institutional Address **C-SATF-STATE PRISON, CORCORAN, CA. 93212-5242**  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

*orig. ct. copy*

**John MICHAEL BALBO CV 08 0159**  
(Enter the full name of plaintiff in this action.)

vs.

Case No. \_\_\_\_\_  
(To be provided by the clerk of court)

**JAMES E. TILTON, SECRETARY CDCR,**  
**KEN CLARK, WARDEN, C-SATF-STATE PRISON,**  
**JOHN DOES 1, 2, 3, 4, CHIEF DEPT. WARDEN AND**  
**ASSOCIATE WARDENS C-SATF STATE PRISON,**  
**JOHN & JANE DOES 1, 2, 3, 4, SCABAINS,**  
**AND/OR LIEUTENANTS C-SATF STATE PRISON,**  
**JOHN & JANE DOES 1-15, SUPERVISOR MEDICAL DOCTORS,**  
(Enter the full name of respondent(s) or jailor in this action)  
**JOHN & JANE DOES 1-20, CONTRACTOR, ET AL.**

**\* PETITION FOR A WRIT OF HABEAS CORPUS - EMERGENCY**  
**\* Assignment of COUNSEL**  
**\* Emergency Action is Requested. Petitioner PRAYS the immediate court intervention/Jurisdiction;**

Read Comments Carefully Before Filling In

When and Where to File

**\* UNLAWFUL CONDITIONS OF CONFINEMENT** Due process, **Restraint ordered to Have all property immediately returned/And Direct Access**

You should file in the Northern District if you were convicted and sentenced in one of these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in this district if you are challenging the manner in which your sentence is being executed, such as loss of good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

If you are challenging your conviction or sentence and you were not convicted and sentenced in one of the above-named fifteen counties, your petition will likely be transferred to the United States District Court for the district in which the state court that convicted and sentenced you is located. If you are challenging the execution of your sentence and you are not in prison in one of these counties, your petition will likely be transferred to the district court for the district that includes the institution where you are confined. Habeas L.R. 2254-3(b).

*- OVER -*

*All Photo LNW Library Services will be free of charge.*

*\* This is for Emergency Assignment of Counsel Life/Death situation.*

*ADA to computer 5-014. Aiken Less than 2 1/2 HR Duration By CDC officers To find E-Prison LNW Library*

(URGENT)

U.S. Dist. Ct. Judge and/or Court-  
CLERK-450 Golden Gate Ave.  
P.O. Box 36060  
SAN FRANCISCO, CA. 94102-9680

RE: BALBO V. TILTON, ET AL,  
ON HABEAS CORPUS - CV-08-0159 -  
-WHA.

X Dear Court Clerk:

I've Just Returned from my  
2ND TRIP from psychiatric suicide  
prevention - strip-cell for observation.

I AM NOW IN A 5-DAY OBSERVATION  
CELL - FOR PSYCHIATRIC OBSERVATION ...  
BECAUSE OF HOSTILITY AND/OR IRRITATION OF  
SUICIDE BECAUSE OF MY BEING BEATEN &  
RAPED, BY SOME SEXUAL PREDATOR THE  
COPS PLACED INTO MY CELL. I AM MOBILITY,  
HEARING, AND VISUALLY HANDICAPPED - ADA.

MY ACCESS TO LAW LIBRARY ON E-FACILITY HAS  
BEEN COMPLETELY CUT-OFF. I HAVE NO USE OF  
MY OWN LAW BOOKS - THE PROPERTY OFFICER:

(MURBERGER) HAS REFUSED TO PROVIDE  
THEM TO ME. I've sent Him 6-Requests,  
And 6-times He has BEEN EXCEEDINGLY RUDE,  
And HAS SAID "yeah I got your request, And  
I used it to wipe my ass, I don't give a SHIT ABOUT  
COURTS OR DEADLINES, maybe I'll get to you next



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Month, or the next, since you like to  
File LAW SUITS AGAINST COPS ASSHOLE!"

"MAYBE SOME OF YOUR PROPERTY WILL  
COME UP MISSING, OR YOU MIGHT NOT GET  
ANY OF IT." TO SAY THE LEAST THE

GUY IS A REAL JERK. AND HE PASSED  
OUT OVER 20-GUY'S PROPERTY, AND LEFT  
MINE SITTING ON A DOLLY CART FOR 9-DAYS  
IN FRONT OF MY LAST CELL - E-1-143-Low.

I HAVE BEEN IN SOLITARY CONFINEMENT  
FOR THE PAST 44-DAYS - WITHOUT SUNSHINE  
AND EXERCISE. WITHOUT MY ACTIVE LEGAL DOCUMENTS,  
AND LAW BOOKS, NOR MY PERSONAL PROPERTY,  
NOR WITH A VALID-CONSTITUTIONAL LOCK-UP  
CRCR 114-LOCK UP ORDER. I WAS TOLD BY MY  
COUNSELORS AND CASE MANAGERS I WOULD BE  
SINGLE CELL STATUS - NO CELL MATE. BECAUSE OF  
THE RAPE. (I WAS RAPED & BEATEN BY A VIOLENT  
SEXUAL PREDATOR WHO ALSO RAPES CHILDREN, IS A  
SO CALLED CRIPS GANG BANDAID, PIMP, 9 TIMES EX-  
- OFFENDER - ALFREDO SAMUEL SPANN <sup>AKA "Lil-Skin"</sup>  
WHOM GUARDS - FORCED INTO MY CELL - E-5-129-L,  
WITH MY OBJECTIONS - I REPORTED IT TO WARDEN  
KEN CLARK VIA - AN INMATE GRIEVANCE - 602 Appeal.  
ON OR ABOUT - Dec. 7th OR 8th 2007. PRIOR TO  
MY BEING BEATEN & RAPED BY SPANN.

I WANT THE MAN PROSECUTED, AND THE GUARDS

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ARE TRYING TO DO ALL THEY CAN TO HUSH IT ALL UP. SWEEP IT UNDER THE RUG. I WANT TO BE SEEN BY A MEDICAL DOCTOR FULLY - BY AN OUTSIDE HOSPITAL AND QUALIFIED EXPERTS. TO SEE IF SPANN HAS TRANSMITTED ANY KIND OF SEXUAL DISEASES TO ME DURING THE RAPE.

I STILL HAVE PLENTHY OF SEVERE PAINS, DAILY IN MY LOWER AND UPPER NECK, SEVERE HEAD ACHES, TROUBLE W/ BOWELS, PAINS IN MY LOWER INTESTINES, PSYCHIATRIC PROBLEMS, AND THE DAILY TORMENT FROM VARIOUS GUARDS AND INMATES WHO JOKE AND CALL ME NAMES BECAUSE I AM A VICTIM OF RAPE. (TO TOP IT ALL OFF THEY STILL WANT TO, AND HAVE PLACED INMATES INTO MY CELL TO FURTHERMORE OPPRESS ME, AND CAUSE ME MENTAL ANGUISH AND PAIN.

I HAVE ASKED DR. LEW BERSANTINO P.H.D. Tel. 310-207-9397 - W.L.A. / 1215 BROCKTON AVE. #104, TO PLEASE PRE-PAY W/ MONEY ORDER \$5.00 FILING FEES. (HE WILL DO SO. IF YOU CALL HIM... AND ADVISE HIM HOW TO DO IT...?)  
THANK YOU OVER





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I would like A Ct. Orders Directing the Warden Ken Clark, to order his subordinates to immediately return the following personal property to me:

1. Very Good condition Zenith Color T.V. 13" screen w/ operating speakers; w/ cables & wall attachments.
2. Sony-Dream Machine - AM/FM clock-radio alarm - cassette player.
3. All Active case files - U.S. Supreme Ct. Documents & papers; 1 cubic foot in addition to 6-cubic foot allowed... for each active filed state or federal case in my cell for exchange and use as needed. The remainder to be stored and kept confidential & safe.
4. To immediately replace the above - named appliances in very good working order & condition, as well as one electrical Hot pot - and Bowl to eat out of.  
With 40 - additional pages of lined yellow paper & 40 - postage stamps at 4¢ ea.  
\* free copy services of all legal documents, case laws, 3-extra writing pens per week, and/or the immediate return/or replacement of Brother ML 500 typewriters w/ ribbons

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(4-Ribbons)

Weekly provided freely by the State/with  
 lift-off correcting Ribbons x 4-per wk.

Electronic OR AN immediate - Replacement By AN Office  
 Machine - Quality typewriter which has  
 the same OR Better functional qualities to  
 be used - AND - BORROWED UNTIL ALL MY  
 LEGAL WORK IS COMPLETED AND DONE ON  
 MY CASES.

5. THAT ANY - ALL OUTGOING LEGAL MAIL'S TO  
 COURTS, ATTORNEYS, MEDIA, JUDGES,  
 SENATORS STATE OR FEDERAL, ETC. ETC.  
 PERMITTED BY LAW... BE LOGGED AND  
 ENTERED AND INSPECTED BY SOMEONE  
 NOT BELOW THE RANK OF FACILITY LIEUTENANT  
 SUNDAY - THRU - THURSDAYS, PRIOR TO  
 8:45 P.M. AND ASSURE THAT IT IS DELIVERED  
 TO THE MAIL ROOM AT SATF PRIOR TO BE  
 LOGGED AS OUTGOING LEGAL MAIL. THAT RESPONDENTS  
 CEASE & DESIST OPERATING & READING WITHHOLDING - DELAYING ALL MAIL  
 OF LEGAL - CONFIDENTIAL NATURE.

6. THAT I BE SEEN AND EVALUATED BY MEDICAL  
 RAPE-SPECIALISTS/MEDICAL DOCTORS, AND  
 MEDICAL NURSES AT A PRIVATE HEALTH CARE  
 FACILITY. ALONG WITH PSYCHOLOGICAL ASSESSMENT  
 AND ROUTINE WEEKLY - TREATMENT BY A QUALIFIED  
 STATE MENTAL HOSPITAL SUCH AS PATTON STATE,  
 OR SOME KIND OF COMMITMENT TO THAT KIND  
 OF HOSPITAL. (I REALLY DO NEED HELP!).



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THE DOCTORS AND NURSES HERE ABSOLUTELY ARE SCARED TO DEATH TO SAY OR DO ANYTHING AGAINST THEIR - CO-WORKERS - CDCR GUARDS in fear of REPRISALS, RETALIATIONS, AND LOSS OF JOB. THAT'S WHY I WAS NEVER SENT OUT TO AN OUTSIDE HOSPITAL AND NO PROTOCOLS WERE FOLLOWED BY THE RESPONDENTS. AFTER 4 1/2 WEEKS YOU'D THINK I WOULD BEEN SEEN & TREATED BY SOME MEDICAL DOCTORS.

I HAVE COMPLAINED TO DR. ENEMAH (SP?) BLACK, HE LISTEND TO MY CHEST, TOOK MY PULSE, EXAMINED MY LEFT FOOT, AND WALKED OUT! I TOLD HIM - I'VE BEEN BEATEN & RAPED, PLEASE HELP ME? HE IGNORED ME...

THE SAME WITH DR. LEE, DR. NORMAN, DR. SAHIMI - REFUSED TO EVEN SPEAK W/ ME.

NORMALLY HE'S HAPPY TO MEET & SPEAK W/ ME AND HELP ME - WITH MY MEDICAL NEEDS.

NOW, THAT WORD HAS GOTTEN OUT ABOUT MY FILING IN COURT AGAINST THEM AND BEING IN THE U.S. SUPREME CT. I'M LIKE HOT LAVA, NOBODY WANTS TO SEE OR HELP ME!

I CAN'T PHONE ANYONE - I'M NOT IN SOLITARY CONFINEMENT FOR DISCIPLINE OR PUNISHMENT OR RULE VIOLATION, BUT, FOR SOME OVER-EXAGGERATED COMPLAINT - BASED UPON THE UNCORROBORATED UNTESTED STATEMENTS OF

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some - unqualified - unknown confidential informant... which Captain And/or the Associate Warden Funks, (Capt. Cuevas) said they want to return me to E-facility yard. But, I'm here for an investigation of some kind? They even have my Assistant Housed close-by in a different cell. (Alfredo S. SPANN) was housed in cell - 214. E-1.) And I could see him staring at me routinely when I would come out for my shower.

Twice - the Guards - so - easily placed SPANN in a holding cage - right next to me and SPANN said "you know you are a DEADMAN, no matter where they house you somebody is gonna get you -"

Not one comment came from the 3-Guards who sat there and heard him say that to me. No Reports, no 115, no nothing!!!

When I reported it to my case worker DR. pretty Paul - he said: "oh what do you want me to do about that... so what, just forget about that." And DR. pretty Paul, is SPANN's case manager as well! What a conflict of interest that is! Why not appoint us both the same lawyer to both prosecute & defend!!!

"Well How are you doing today MR. SPANN?"

"Any thoughts of killing MR. BALBO?"



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I Need Immediate psychiatric mental Health Help. Patton State hospital is A Mental Health State Hospital. I Believe They are seriously Equipped to treat my Mental Health needs - I've Been committed there 3- or - 4 times in the past for my IN-competency - Assessments - Along w/ treatment for my Bi-polar - Rapid-cycler Dysfunction. I Need to spend 18-to-28 mos, as a commitment ordered by the Ct. to deal w/ all my Medical & Mental Needs. And I Do Need Counsel Appointed to over-see my commitment, And Act as a Liason to the Court And the prosecutor in this case. As well as for other Advise ment to protect my legal interests, And to Help keep CDR out of control of my immediate custody & supervision so THAT I CAN obtain qualified immediate treatment. OR the obvious Alternative would Be to Release me from my UNLAWFUL conditions of confinement, And I'll Go and get my own private Healthcare & psychiatric treatment And obtain my own Attorneys, etc. ( I'll have to Beg And BORROW the Best Attorneys to Help me; I CAN'T Allow This RAPE thing to Go AWAY so THAT SPANN Does other children And Adults the way he's Done me... Nor will I Allow CDR And its Responsible persons to

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\*Petitioner - cannot obtain any meaningfull access  
to law library - or tools thereof.

to get off scott free for violating  
many of my constitutional rights. NO  
PERSON(S) SHOULD BE ABLE TO OPERATE ABOVE-  
AND BEYOND THE LAWS, AND/OR ACT IN CONCERT  
AND IN COLLUSION TO DO WITH OTHERS TO DEPRIVE  
PERSONS OF THEIR INHERENT RIGHTS AND PROTEC-  
TIONS OF THE UNITED STATES CONSTITUTION, OR  
ANY AMENDMENTS THEREOF. TO DEPRIVE ME  
OF MY OWN LEGAL TOOLS - TO REDRESS WRONG-  
FUL AND ILLEGAL ADMINISTRATIVE PROCEEDURES.  
AS WELL AS MY RIGHT TO ACCESS THE COURTS  
AND TO RECEIVE TIMELY - ADEQUATE - MEDICAL  
CARE AND IMMEDIATE TREATMENT FROM  
DAILY PAIN, AND ONLY GIVING LIP SERVICE,  
REFUSING TO IMMEDIATELY SEND ME TO OUT-  
SIDE MEDICAL SPECIALISTS, AND REFUSING  
TO IMMEDIATELY MAIL TO THE COURTS MY  
CONFIDENTIAL LEGAL DOCUMENTS, PROVIDE  
SOME RECEIPT IN RETURN, AND OPEN &  
READING, AND RETURNING TO ME MY LEGAL PAPER-  
MOTIONS BECAUSE RESPONDENTS REFUSE  
TO FOLLOW THEIR OWN RULES, REGULATIONS,  
POLICIES, BECAUSE THEY CHOSE TO NOT FOLLOW  
THE LAW, AND INSTEAD BREAK LAWS INTENDED TO  
PROTECT PRISONERS FROM ARBITRARY AND  
CAPRICIOUS ACTS, AND WILLFUL OPPRESSION.  
(FOR INSTANCE ONE SMALL WRITING PEN ISSUES  
WEEKLY IN THE WARD. RESPONDENTS REFUSE TO ISSU



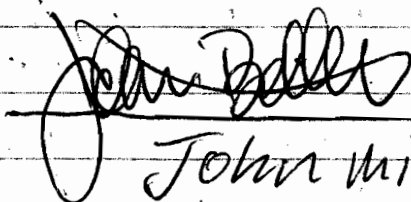
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A pen And/OR 5 sheets of writing paper -  
 But once a month if they so choose to, without  
 any fear of supervisor's intervention to protect  
 the inmates rights. This has become an ongoing  
 Abuse of UNLAWFUL power by Guards in Ad-seg.  
 ASU-1, OR ASU-E-1-facility.

Petitioner will be unable to further -  
 more write to this court without specific  
 clear immediate court orders being issued.  
 This is his LAST pen, And he hasn't enough  
 supplies to continue to write motions, And  
 petitioner's LAW BOOKS, PAPERS, pens,  
 Typewriter, And all other tools have been  
 confiscated And he can't get to the E-fac.  
 LAW library to use ADA equipments.

I hereby declare THAT the foregoing  
 is TRUE And CORRECT.

Executed on this 23d Day of January  
 2008, At SAT STATE PRISON, in  
 CORCORAN, California. 93272-5242



John Michael BALBO  
 Petitioner / Declarant  
IN PRO SE

Ad-seg-E-1-111-L.

1-23-08